

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CURTIS CLIFFORD INGRAM,
Plaintiff
v.
NEIL McDOWELL, et al.,
Defendants.

Case No. 2:22-cv-03787-DOC-PD

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings and records on file in this case, including the operative Complaint (Dkt. 1), Defendants' Motion to Dismiss (Dkt. 13) ("Motion"), Plaintiff's Opposition (Dkt. 16); Defendants' Reply (Dkt. 18), and the Report and Recommendation of the assigned United States Magistrate Judge (Dkt. 20). No objection has been filed in the time allowed. Having completed its review, the Court accepts the findings and recommendations set forth in the Report and Recommendation.

Defendant's Motion to Dismiss is granted on the basis that the Complaint does not adequately allege an Eighth Amendment or due process violation by Defendants, or a First Amendment violation by Sergeant F. J. Aguilar and Correctional Officers V. Ayala-Herrera and A. Murillo.

Accordingly, **IT IS ORDERED** that:

- 1 (1) The Magistrate Judge's Report and Recommendation is accepted;
- 2 (2) Defendants' Motion (Dkt. 13) is GRANTED;
- 3 (3) This action is dismissed without prejudice and with leave to amend;
- 4 and
- 5 (4) Plaintiff shall file a first amended complaint within 30 days of the entry
- 6 of the Court's Order.

7
8 DATE: March 20, 2023
9



10 DAVID O. CARTER
11 UNITED STATES DISTRICT JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28